

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. 35 U.S.C. § 101 Rejection**

Claims 5-7 were rejected under 35 U.S.C. § 101 for failing to recite statutory subject matter. Specifically, claims 5-7 were rejected for reciting a method that is not tied to another statutory category (i.e., an apparatus) or reciting a method that does not transform the underlying subject matter to a different state or thing.

Independent method claim 5 has been amended to tie the claimed method to an image enlarging apparatus. As a result, the method of claim 5 is now tied to another statutory category, as required by the Examiner. Therefore, withdrawal of this 35 U.S.C. § 101 rejection is respectfully requested in view of the above-mentioned amendment of claim 5.

### **II. 35 U.S.C. § 103(a) Rejection**

Claims 1, 5, 9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kodak DC240/DC280 and Park (U.S. 5,231,440). Further, claims 2, 3, 6, 7, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kodak, Park, and Imaizumi et al. (U.S. 6,236,389). These rejections are respectfully traversed for the following reasons.

Independent claim 1 recites an apparatus including a cropping means for generating a cropped image (from a photographed image), such that (i) a vertical line count and a horizontal

line count of the received photographed image are not compressed, and (ii) the vertical line count and the horizontal line count of the cropped image matches the vertical line count and the horizontal line count of the television format. The apparatus of claim 1 also includes a compression means for generating a compressed image (from the same, un-cropped photographed image). In addition, the apparatus of claim 1 includes a switching means for selecting one of the generated cropped image and the generated compressed image.

The above described invention provides a structure which supports the features described in attached Fig. A and described below. Please note that the attached Fig. A and the description below are for exemplary purposes only.

In Fig. A, P0 shows an image as captured by the imaging means. The size of the captured image is larger than the television format. In order to change the captured image to the television format size image, there are two possibilities: one is to compress the captured image (done by the image compression means, as recited in claim 1); and the other is to crop the captured image (done by the image cropping means, as recited in claim 1).

The image compression is carried by removing one pixel after every five (this number is just an example) pixels. The compressed image is shown at P1 in Fig. A. Please note that the compressed image P1 will have poor resolution in comparison to the original captured image P0.

The image cropping is carried out by cutting off at least top portion and side portions (furthermore opposite side portions in the example shown in Fig. A). The cropped image is shown at P6 in Fig. A. Please note that the cropped image P6 has the same resolution as the original captured image P0 (see claim 1, which recites “such that (i) a vertical line count and a horizontal line count of the received photographed image are not compressed, and (ii) the

vertical line count and the horizontal line count of the cropped image matches the vertical line count and the horizontal line count of the television format”).

Starting from P1, digital zooming is carried out to obtain enlarged scale pictures P2, P3, P4 and P5. When the picture P3 is obtained, the image has the same scale as the picture P6. However, the resolution of picture P3 is utterly different from the resolution of picture P6. Resolution of picture P3 is poor, while the resolution of picture P6 is very high (the same resolution as the original captured image P0).

The Kodak, Park, and Imaizumi references, or any combination thereof, fail to disclose or suggest the above-mentioned distinguishing features and fail to disclose or suggest a structure that supports the above-mentioned features, as recited in independent claim 1.

The rejection of claim 1 relies on Kodak for teaching the cropping means recited in claim 1. Specifically, the rejection indicates that elements disclosed by KODAK DC280 correspond to the image cropping means, as recited in claim 1. Although, KODAK DC280 teaches conventional digital zooming (e.g., zooming steps P0, P1, P2, P3, P4 and P5 as illustrated in Fig. A), the above-mentioned assertion is incorrect, because there is no element in KODAK DC280 which corresponds to the image cropping means. Those elements relied upon in the rejection are the elements that correspond only to the image compression means, as recited in claim 1.

Furthermore, the bottom of page 4 of the rejection states that "it is readily apparent that the user can select the zoom function or/and the adjustment of the picture quality" for showing the existence of switching means in KODAK DC280. The above-mentioned statement included in the rejection is not correct, because the claimed switching means switches between two images, not two functions. According to the present invention, the switching means selects

either a compressed picture (e.g., a picture from pictures P1, P2, P3, P4 and P5), or a cropped picture (e.g., a picture from pictures P6, P7 and P8). As you can see from Fig. A, pictures P3, P4 and P5 have the same enlarged scale as pictures P6, P7 and P8, respectively, but the resolution is different, as explained above.

According to KODAK DC280, it is impossible to select one picture from two pictures having the same scale but different resolution. As stated above, conventional digital zooming, as disclosed in KODAK DC280, employs only the zooming steps P0, P1, P2, P3 P4 and P5. Only the present invention can have two different zooming procedures (P0, P1, P2, P3 P4 and P5) and (P6, P7 and P8).

Therefore, it is clear that any obvious combination of Kodak and Park would not result in the invention of amended independent claim 1.

Furthermore, there is no disclosure or suggestion in Kodak and/or Park, or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Kodak and/or Park to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2, 3 and 12 which depend therefrom are clearly allowable over the prior art of record.

Further, the Imaizumi reference was cited for teaching the features of dependent claims 2 and 3 in the above-mentioned 35 U.S.C. §103(a) rejection. However, Imaizumi also fails to disclose or suggest the above-discussed features of independent claim 1 which are lacking from Kodak and Park. Thus, for the same reasons discussed above, it is clear that Imaizumi in combination with Kodak and Park does not disclose or suggest the features of independent claim 1 and claims 2, 3 and 12 which depend therefrom.

Independent claims 5 and 9 recite an image enlarging method and an image enlarging apparatus, respectively, wherein the method and apparatus of claims 5 and 9 include limitations which correspond to the above-mentioned distinguishing features recited in independent claim 1 (e.g., cropping, compressing, and selecting). Thus, for reasons similar to those discussed above, it is respectfully submitted that claims 5-7 and 9-11 are allowable over Kodak, Park and Imaizumi.

### III. Conclusion

In view of the above remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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March 10, 2009